

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Garrin David Smith,	)	C/A No.: 6:04-cr-00466-GRA
a/k/a Garrett Don Smith	)	6:05-cv-02932-GRA
	)	6:07-cv-01793-GRA
Petitioner,	)	
	)	<b>ORDER</b>
	)	(Written Opinion)
v.	)	
	)	
United States of America,	)	
	)	
Respondent.	)	
	)	

This matter is before the Court on a petition for habeas corpus review pursuant to 28 U.S.C. § 2255 and filed on July 21, 2008. After reviewing the petition and accompanying exhibits, the Court finds that it is without jurisdiction to rule on the petition.

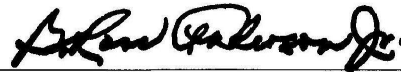
Petitioner brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

On May 13, 2008, the Court issued an Order which dismissed Petitioner's § 2255 motion on the merits. Petitioner then filed a notice of appeal with the Fourth

Circuit Court of Appeals on July 14, 2008, and the appeal is now pending with the Fourth Circuit. As such, this court no longer has jurisdiction over any facet of the petitioner's case. *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) ("[t]he filing of a notice of appeal is an event of jurisdictional significance--it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal").

IT IS THEREFORE ORDERED that as this Court dismisses this action for lack of jurisdiction.

**IT IS SO ORDERED.**



G. ROSS ANDERSON, JR.  
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

July 28, 2008

**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that he has the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified within Rule 4, will waive the right to appeal.